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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

Mongolia

1. The Committee on Economic, Social and Cultural Rights considered the third periodic report of Mongolia on the implementation of the Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.21) at its 34th, 35th and 36th meetings, held on 17 and 18 August 2000, and adopted, at its 49th meeting held on 28 August 2000, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of Mongolia, which has been prepared in conformity with the revised reporting guidelines established by the Committee. The Committee deeply regrets the absence of the State party delegation. This absence is particularly unfortunate because the State party had submitted information for the consideration of the Committee. A constructive dialogue with the delegation would have enabled the Committee to understand more deeply the social and economic processes under way in the country.

B. Positive aspects

3. The Committee notes with appreciation the move towards democracy in Mongolia and the recently held free and fair elections reflecting the will of the population.

4. The Committee commends the State party for the formulation of the National Plan of Action for Human Rights and notes that the State party is taking steps towards establishing a national human rights institution. The Committee also welcomes its collaboration with the Office of the United Nations High Commissioner for Human Rights, which has resulted in a number of valuable projects and activities advancing the promotion and protection of human rights in Mongolia.

5. The Committee notes with appreciation the State party's efforts to continue to enact legislation forming the basis for the implementation of human rights standards. In particular, the Committee commends the inclusion in the Constitution of an anti-discrimination clause which prohibits, inter alia, discrimination based on age.

6. The Committee welcomes the information provided by the State party with regard to the adoption and implementation of national strategies and policies to address the plight of various vulnerable groups, particularly women and children.

7. The Committee notes with appreciation that the State party is developing international cooperation with a view to resolving the social and economic problems of its population. The Committee notes in particular the "Poverty Partnership Agreement" signed by the State party with the Asian Development Bank. This agreement allows Mongolia to draw US$ 40 million per year for poverty reduction, the achievement of full primary education and the reduction of infant mortality rates by 50 per cent by 2005.

8. The Committee welcomes the efforts undertaken by the State party in relation to various educational initiatives, including the non-formal distance education project for women in the Gobi region.

C. Factors and difficulties impeding the implementation of the Covenant

9. The Committee is aware that the State party is currently experiencing great difficulties in the process of transition to a market economy. These difficulties are due, inter alia, to the sudden interruption of economic links with the former Soviet Union, and the discontinuance of various types of assistance previously received, which accounted for almost 30 per cent of GDP in 1990. This influenced the closure or downsizing of State enterprises and gave rise to great increases in unemployment and to a serious lowering of standards of living. The concurrent deterioration in the State party's terms of trade in international markets and the Asian economic crisis further aggravated Mongolia's economic situation. The Committee acknowledges that problems related to these matters seriously hamper the State party's ability to comply with its obligations under the Covenant.

10. The Committee also acknowledges that the existing divergence between available resources and the needs of the people is further exacerbated by the recent extreme climatic conditions prevailing in Mongolia, which also constitute a serious impediment to the enjoyment of economic, social and cultural rights in the country.

D. Principal subjects of concern

11. The Committee expresses its concern about the negative consequences of the transition process on a large part of the Mongolian population. According to World Bank figures from 1998, 35 per cent of the population lives below the weighted national average poverty line and 18 per cent of the population is destitute. The Committee is also deeply concerned about the information submitted by the State party that the social safety nets put in place to minimize the impact of the transition have had only a limited effect in curbing the extent and depth of poverty.

12. The Committee is deeply concerned about the adverse effects of the prevailing traditional values and practices and of poverty on women. The Committee deplores the lack of facilities and the inefficiency of remedies for victims of domestic violence, which is estimated to affect a third of the country's women. The Committee is also concerned about discrimination against pregnant women and sexual harassment of women in the workplace. Furthermore, the Committee expresses concern at the absence of women at senior levels, both at work and in public office.

13. The Committee is deeply disturbed that the State party has not been able to mitigate the adverse effects of poverty on children, who represent 42 per cent of the Mongolian population. In particular, the Committee is concerned about the extent of the phenomenon of street children, whose numbers are currently estimated at 30,000, 60 per cent of whom live in Ulaanbaatar in deplorable conditions with inadequate nutrition and susceptible to disease, violence, sexual and economic exploitation, substance abuse and mental trauma.

14. The Committee regrets to learn, from information submitted by the State party and reinforced by information from the Food and Agriculture Organization of the United Nations (FAO), about growing food insecurity among vulnerable groups such as children, the unemployed, older persons, female-headed households, pensioners and small herders. The Committee notes that this grave situation is compounded by last year's drought and this year's harsh winter, which has killed more than 2 million head of livestock.

15. The Committee is disturbed to learn about the deteriorating health situation for Mongolians since 1990 and regrets that government expenditure on health has decreased in recent years (according to the government submission, public expenditure on health fell from 5.8 per cent of GDP in 1991 to 3.6 per cent in 1998). The challenges faced by the State party include improving access to health-care services in rural areas and for the poor, the relatively low life expectancy, the increase in non-communicable and degenerative diseases, as well as sexually transmitted diseases, substance abuse, child suicide, high maternal mortality, especially in rural areas, and limited access to contraceptives. The Committee is concerned that there is no policy response to address increasing substance abuse and child and adolescent suicide.

16. The Committee notes with concern the degrading conditions for detainees, who have been reported to suffer from overcrowding, inadequate medical care and hygiene and from malnourishment.

17. The Committee regrets to learn about the decrease in government spending on education since 1990 and the subsequent deterioration in the quality of education. The Committee is particularly concerned about the high incidence of school drop-out, most common among herder families where children have to work.

E. Suggestions and recommendations

18. The Committee recommends that the State party provide information, in its fourth periodic report, on the exact status of the Covenant in the Mongolian national legal system.

19. The Committee encourages the State party to establish, as soon as possible, a national human rights institution which conforms to the Paris Principles (1991).

20. The Committee recommends that the State party, in its fourth periodic report, include a copy of its up-to-date human rights national plan of action for human rights, prepared in accordance with the Vienna Declaration and Plan of Action (1993), and report on its implementation.

21. The Committee recommends that the State party continue to seek international cooperation and assistance, as provided for in articles 2.1 and 23 of the Covenant, to enhance its efforts to improve the implementation of economic, social and cultural rights in Mongolia. The Committee would appreciate information, in the fourth periodic report of Mongolia, on the status of the "Poverty Partnership Agreement" signed with the Asian Development Bank.

22. With regard to poverty, the Committee notes the National Human Development Plan (NHDP) and the National Poverty Alleviation Programme (NPAP) established by the Government with a view to reducing poverty. The Committee urges the State party to continue to direct resources to those most in need, and to report to the Committee on the results of its efforts in the context of the programmes cited above in its fourth periodic report. In this regard, the Committee would like to remind the State party of its obligation, even under severe resource constraints, to protect the vulnerable groups of society, as stated in paragraph 12 of the Committee's General Comment No. 3.

23. The Committee calls on the State party to enforce efficiently in practice labour legislation prohibiting discrimination against women in employment, such as prohibition of the dismissal of pregnant women and the criminalization of sexual harassment. The Committee urges the State party to organize public campaigns to raise awareness about domestic violence, to criminalize spousal rape and to provide victims with shelters and adequate remedies.

24. The Committee urges the State party to continue to address, as a matter of urgency, the immediate nutritional needs of its population, including through international humanitarian assistance, and draws, in this regard, the attention of the State party to its General Comment No. 12, paragraph 14.

25. The Committee recommends that the State party continue taking steps to ensure that persons living in remote areas have progressively greater access to essential health services and, in this respect, draws the attention of the State party to its recent General Comment No. 14 on

the right to health. The Committee would appreciate information on a comparative basis, in the fourth periodic report of the State party, on the "Health Sector Development Programme" (1998) supported by the Asian Development Bank, as well as on progress made in improving the health status and health-care coverage of the population.

26. The Committee recommends that the State party seek to address, independently and through international cooperation, the problems it is facing in enhancing the quality of school curricula, and in addressing the educational difficulties confronting Mongolia, such as its high drop-out rate.

27. The Committee requests that the State party disseminate these concluding observations as widely as possible among its citizens.

28. The Committee requests the State party to address, in its fourth periodic report, the implementation of these concluding observations.

29. The Committee requests the State party to submit its fourth periodic report before 30 June 2003.